



IN REPLY REFER TO:

## United States Department of the Interior

NATIONAL PARK SERVICE

California Hydro Program

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Sacramento, California 95814

October 29, 2001

Mr. Rick Ramirez  
Department of Water Resources  
Executive Division  
1416 Ninth St.  
P. O. Box 942836  
Sacramento, CA 94236

Subject: FERC #2100, Interim Projects and Recreation/Socio-economics Studies

Dear Mr. Ramirez:

I regret that I will be unable to attend the November 1 Plenary Meeting for the Feather River Project due to conflicting commitments. This meeting has particular importance due to the fact that the long-awaited "Interim Projects" list will be presented for the Plenary's concurrence. In addition to the Recreation/Socio-economics Work Groups work on interim projects, considerable progress is being made on the development of recreation study plans. I would like to comment on both of these activities.

**Interim Projects:** DWR's agreement to consider interim projects is unprecedented. Working outside of the confines of FERC regulatory authority and guidance, the agency has provided an opportunity for the local stakeholders and agencies to recommend projects which may be implemented prior to recreation use, needs assessments, and suitability analyses are completed by the consultants. We think that the following points need to be re-established and understood by the Plenary regarding these projects:

- DWR's (Viju Patel) response to the original idea of interim projects was that they would be "considered for implementation". (I was at the initial public meeting and never understood him to say that they would be implemented simply because the Plenary approved them.) It was also stated that these projects needed to be consistent with recommendations that would result from the recreation studies and likely be implemented during the term of the new license.
- At the July, 2001 meeting, you outlined a decisionmaking process which the Collaborative and DWR would follow for considering interim projects. These are business decisions after all, and we fully understand and support this deliberate process. We also understand the need for keeping internal (DWR) discourse confidential, but believe that the Collaborative is entitled to an explanation for those projects which are not approved by DWR.

- I specifically recall that our original screening of interim projects included a cursory assessment of the cost of the project. Admittedly, many of the projects were originally pitched in fairly sketchy terms and most lacked sufficient detail to permit legitimate estimates to be made. Despite the consultants' diligent attempt to put some numbers together, serious errors and omissions remain in those estimates because of the limited time and information sources they had. It has now been determined that estimated costs should not be divulged in presentation to Plenary. I take exception to the idea that a prioritized list can move forward to DWR with project cost having been eliminated as one of the criteria. Money matters. Project cost will most certainly be a critical element in DWR senior management's consideration. I think that project cost should be reintroduced as a selection criterium before they are advanced to DWR management.
  
- It has now been made crystal clear to me that DWR, and your clients (State Water Contractors), expect to receive "credit" for interim projects toward the ultimate license settlement agreement. It is acknowledged that "credit" translates into money expended for recreation. As I have stated on a number of occasions, fiscal prudence dictates that whatever capital improvements and O&M measures are recommended in a settlement agreement be based on credible, scientifically-derived recreation facility and programmatic needs. DWR has assembled an excellent team of experienced in-house recreation professionals and enlisted an equally competent consultant team to conduct a Needs Assessment. Based on my read of the initial set of study plans, I have every confidence that this collective team, assisted by the Recreation/Socio-economic Work Group, will produce a Needs Assessment sufficient to guide Protection, Mitigation & Enhancement (PM&E) measures. My growing fear is that many of those defensible measures may not be funded and implemented because considerable funds have already been expended (and "credited") for interim projects. I feel certain that some of these interim projects will, ultimately, not be unsupported by the assessment. My concern is heightened by the fact that limited, if any, conditioning authority through FPA Section 4(e) will be available to require recreation-related PM&Es in the license. The strongest mandate we might end up with may be the State Water Resources Control Board's Sacramento Valley Basin Plan guidance for recreation-based beneficial uses.

We have the following specific concerns regarding the Interim Project process:

- "River Bend" – It is evident that this project has broad support from the local community and recreation agencies. Its primary advocates are professional, well informed, and highly organized. The project was effectively "marketed" to the Plenary by the Joint Powers Authority's consultant. Considerable effort, and money, was devoted to ensuring that this project received special treatment, including being exempt from the relatively rigorous ranking process applied to the other forty some-odd projects. Despite our reservations about the exceptional process, **we support this project provided certain conditions are met:**
  1. The River Bend project must receive a full NEPA/CEQA treatment. Much of the information needed for the assessment may be gleaned from previous studies (original plan, subsequent bike trail EA, etc.), but much work remains. I am not sure that the true scope and cost of this work is reflected in the projected budget.

2. DWR's financial commitment to this project should be capped at the amount requested (~\$2.1 million) and contingent on the successful acquisition of the "pending/proposed project partnerships" matches. We are still troubled by the conservatism of "Operations and Management" cost projections.
3. DWR and California Dept. of Parks and Recreation (DPR) need to be the focal organizations for the operation of any visitor center, if Lake Oroville State Recreation Area (LOSRA) is the attraction. We are concerned about the predominance of the Chamber of Commerce/business interests in this project and the concept of their activities being central to a "potential visitor center".

Despite the River Bend site's appeal as a gateway to the City of Oroville, the land base and transportation/utility infrastructure does not exist for siting a large visitor center. The existing North Forebay facility seems to be a much better location.

- Other (Non-River Bend) Interim Projects:

Again I recall DWR's concept of interim projects being that they would agree with recommendations following the recreation studies. A number of the projects proposed represent minor capital improvements and/or standard O&M elements which are already consistent with DWR and DPR master plans. However many do not, and it is speculative to think that user demand and needs assessments will support them. Regardless of their relative priority ranking, significant projects should be deferred until at least preliminary study results are forthcoming to support them. We will insist that all projects that affect LOSRA be agreed upon and supported by DWR and DPR. They are the people that will have to live them in the long run.

### **Development of Recreation/Socio-economic Study Plans**

Again, we commend the work that has been accomplished on developing study plans in such a short period. Although we frequently disagree with the sense of urgency being applied to this effort, the consulting team has produced five exemplary draft study plans in considerable detail. Those initial plans were generally well received as we reviewed them in the last Study Plan Sub Task Group. We are also pleased to see that critical studies such as survey methodology, existing and projected use, facility inventory, and the needs assessment will be conducted next year that helps to support the interim project process.

We have the following specific comments:

- The blistering pace of issue statement distillation, scoping, and study plan determination has limited the ability of Recreation Work Group members and organizations to respond to the consultant's products in a timely fashion. There have been several occasions when the Dangermond Group has introduced new (and sometimes divergent) processes, methodologies, and approaches at meetings that were sight-unseen. This has led to protracted sidebar discussions at times and made it difficult to stay within the established agenda. It also limits DWR, EDAW, and the group's ability to give ample consideration to their suggestions, some of which had considerable merit. (We agree, for instance, that the grouping of study plans might be done more logically and efficiently and that a more hierarchical order

should have been used in listing them and assigning study plan numbers.) Unlike individual agencies and organizations, the Dangermond Group represents a consortium of regional stakeholders whose interests must be reckoned with in the “consensus-based” environment we employ in the ALP. We propose that the Dangermond Group, and others, provide significant recommendations and concerns directly to DWR and EDAW well in advance of scheduled meetings so that they can be considered and integrated, as appropriate, into the draft study plans. This will permit the working group to focus on one document at a time and move through the agenda in an expeditious, orderly manner.

- As an agency involved in some thirteen active relicensing proceedings in California at present, we have considerable confidence in the process. We see proceedings at all life-stages, with varying degrees of collaboration, and a multitude of approaches leading up to settlement. The common denominator to the success of any project is that decisions are based on science, not positions or emotion. We don't feel that the Feather River Project Collaborative fully understands or appreciates the gravity of the study process and how it will, ultimately, lead to better decisions. The wide range of expectations expressed by stakeholders at meetings illustrates this.

DWR and its consultants clearly have the ability to conduct an effective study process and arrive at the right decisions. It seems imperative that at the next Plenary meeting, DWR underscore the critical work that is occurring at the work group level and how valid studies will yield objective results which should be acceptable to the stakeholders and public. At the same time, stakeholders should be cautioned that valid studies may not tell them what they want to hear. This represents another opportunity to temper expectations, something that is definitely needed in this project.

In conclusion, we highly recommend that, as Project Manager, you consider providing an introduction to the discussion on interim projects that succinctly restates the following: 1) Viju Patel's stated intentions; 2) DWR's decisionmaking process; 3) the fact that DWR intends to receive good will and financial credit for these projects; and 4) that cost will be a factor. Again, NPS supports River Bend with the qualifications noted and we renew our concern about follow-through with PM&Es based on science-based study results. I can be reached at 916-414-2355 if you have any questions regarding our comments.

Sincerely,

Harry Williamson  
Northern CA Hydro Coordinator

Cc:

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